

REMARKS

This amendment is responsive to the non-final Office Action¹ dated July 12, 2005.

Claims 1-31 were presented for examination and were rejected. No claims are added or canceled. Independent claims 1, 8, 14, 19 and 24 are amended. No new matter is added. Claims 1-31 are pending.

Preliminarily, paragraphs [0026] and [0037] in the application are amended to correct for minor typographical and clerical errors. No new matter is added.

Claims 1-31 are rejected under 35 U.S.C. §103(a) as being un-patentable over U.S. Patent 6,853,714 to Liljestrand et al. (hereinafter "Lil") in view of U.S. Patent 6,789,118 to Rao (hereinafter "Rao"). Applicants respectfully traverse this rejection for the following reasons.

Claim 1, for example, recites:

A method of handling a call at an application server connected outside a public switched telephone network (PSTN) and offering one or more services, the method comprising: receiving information corresponding to said call at the application server outside the PSTN, the information including data identifying a subscriber of said one or more of services offered by the application server; based on the information corresponding to the call, selecting a domain policy, the domain policy applying to a set of subscribers; and handling the call in accordance with the selected domain policy.
(Emphasis added.)

Claim 1 clearly calls for an application server that is connected outside of a PSTN. These limitations are not shown in principal reference Lil or in secondary reference Lao.

¹ The Office Action may contain a number of statements characterizing the cited reference(s) and/or the claims which Applicants may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicants do not automatically subscribe to, or acquiesce in, any such statement. Further, silence with regard to rejection of a dependent claim, when such claim depends, directly or indirectly, from an independent claim which Applicants deem allowable for reasons provided herein, is not acquiescence to such rejection of that dependent claim, but is recognition by Applicants that such previously lodged rejection is moot based on remarks and/or amendments presented herein relative to that independent claim.

Lil is being applied against Applicants' claims for the first time in the instant Office Action. Lil is an apparatus and method for providing enhanced telecommunications services. (title) It provides these services by implementing an enhanced services platform on a local network exchange within the public telephone network. (abstract) The Office Action, page 3, reads Applicants' receiving step on column 6, lines 16-21 in Lil, which refers to its application server 180, as follows:

The softswitch 160 is capable of integrating and managing a plurality of enhanced telecommunications services contained within an applications server 180. In addition, the softswitch 160 is capable of using a voice-activated interface 145 to enable a subscriber to access at least one of the plurality of enhanced telecommunications services. (Lil, column 6, lines 16-21)

Regardless of any reference in Lil to an application server, application server 180 is shown only as being included within, and supported by, the enhanced service platform 100 of Lil (see Fig. 4). That platform is shown as being supported within the enhanced local exchange 130 of Lil (see Fig. 4). The enhanced local exchange 130 with enhanced services platform 100 is shown as being included within the traditional Public Telephone Network (PTN) 102 of Lil (see Fig. 2). In Lil, column 3, lines 44-53, referring to Fig. 2, it equates "traditional public telephone network (PTN) 102" with the "Public Switched Telephone Network (PSTN)." Therefore, Lil teaches that its application server 180 is contained within its PSTN.²

By contrast, Applicants' amended claim 1 recites, interalia, "receiving information corresponding to said call at the application server outside the PSTN, the information including data identifying a subscriber of said one or more of services offered by the application server." (Emphasis added.) Applicants respectfully submit that Lil does not teach or disclose this claim

² In prior art Fig. 1 of Lil, traditional service platform 100 is shown outside of PTN 102, (col. 2, lines 58-60) but there is no detail supplied regarding the inner construction of the traditional service platform. The only server-softswitch combination disclosed in Lil is in its enhanced service platform which is disclosed only within a PSTN. The traditional version cannot be the same as the enhanced version.

element. Lil does not teach or disclose that its application server is outside its PSTN; rather, its application server 180 is placed squarely within its PSTN 102 (Figs. 2 and 4) as discussed above.

Secondary reference Rao, previously cited, was previously applied against Applicants' claims. Rao discloses a multi-service network switch with policy based routing. (title). Although Rao shows a "softswitch" it does not show an applications server. This was pointed out in the remarks of Applicants' previous response filed April 22, 2005, with which the Examiner apparently agrees because the Examiner is now relying on Lil to show the applications server which was missing from Rao. Accordingly, since Rao does not show an applications server, it cannot cure the deficiency of the applications server in Lil with respect to Applicants' amended claims, resulting from its placement within the PSTN of Lil.

Accordingly, the references, Lil and/or Rao, taken alone or in combination, do not disclose or suggest at least:

- "A method of handling a call at an application server connected outside a public switched telephone network (PSTN) and offering one or more services" as recited in claim 1 because they do not disclose or suggest handling a call at a server outside a PSTN;
- "receiving information corresponding to said call at the application server outside the PSTN, the information including data identifying a subscriber of said one or more of services offered by the application server" as recited in claim 1 because they do not disclose or suggest receiving a call at an application server outside of a PSTN;
- "based on the information corresponding to the call, selecting a domain policy, the domain policy applying to a set of subscribers" as recited in claim 1 because any domain policy which may be discussed in Rao, taken in combination with Lil, is not selected on the basis of information corresponding to a call received by an application server outside

of a PSTN; the call in Lil is received by an application server inside a PSTN, whereby at least the "call" in this claim element is not met by the combination of the references; and

- "handling the call in accordance with the selected domain policy" as recited in claim 1 because the "call" in this claim element is also not met by the combination of references for reasons given immediately above.

In accordance with MPEP 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure. And, all three of these basic criteria must be met - if any one is not met the prima facie case of obviousness is not made.

In this instance, the prior art references when combined do not teach or suggest all of the claim limitations of claim 1. Indeed, as shown above, they do not teach or suggest ANY of the claim limitations of claim 1. Therefore, the failure of the combination of the references in this regard makes moot the other two criteria which, therefore, shall not be considered at this time. Accordingly, a prima facie case of obviousness has not been established. Applicants, therefore, respectfully request that the rejection of claim 1 under 35 U.S.C §103(a) be withdrawn and the claim allowed.

Independent claims 8, 14, 19 and 24 have been amended in a manner similar to that of claim 1 and are allowable for the same reasons as given above with respect to claim 1.

Claims 2-7 are dependent from claim 1 and are allowable at least for reasons based on their dependency from an allowable base claim.

Claims 9-13 are dependent from claim 8 and are allowable at least for reasons based on their dependency from an allowable base claim.

Claims 15-18 are dependent from claim 14 and are allowable at least for reasons based on their dependency from an allowable base claim.

Claims 20-23 are dependent from claim 19 and are allowable at least for reasons based on their dependency from an allowable base claim.

Claims 25-31 are dependent from claim 24 and are allowable at least for reasons based on their dependency from an allowable base claim.

The claim amendments are supported by the application as filed. *See* at least Fig. 1 showing PSTN 110, Internet 100, and placement of application server 104 and softswitch 106 within the Internet which, therefore, is outside of PSTN 110. Also, *see* at least Figs. 3, 4, 5, 7, 8 and 9, each showing direct connection from Internet 110 to softswitch 106 which, in turn, is connected to an applications server and therefore connected outside of a PSTN.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration and allowance are respectfully requested. If there are any remaining issues or if the Examiner believes that a telephone conversation with Applicants' attorney could be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (972) 718-4800.

It is believed that extensions of time or fees for net addition of claims are not required, beyond those which may otherwise be provided for in documents accompanying this paper; however, in the event that additional extensions of time are necessary, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a).

The Commissioner is hereby authorized to credit any overpayment or charge any deficiencies to Deposit Account Number 07-2347.

Respectfully submitted,

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